

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
FIFTH DIVISION

Brandon S. George,)	
)	Civil Action No. _____
Plaintiff,)	
)	
vs.)	
)	
Wisconsin Central Ltd., a Delaware)	
corporation, d/b/a Canadian National Railway)	
Company, a foreign corporation,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, Brandon S. George, and for his claim and cause of action against the above-named Defendant, Wisconsin Central Ltd., a Delaware corporation, d/b/a Canadian National Railway Company, a foreign corporation, states and alleges as follows:

I.

That the jurisdiction of this Court in connection with this Complaint is based upon Title 45 U.S.C. §§51-60, commonly known as the Federal Employers' Liability Act (FELA) and that this action is timely commenced within the meaning of 45 U.S.C. §56.

II.

That at all times material herein, Defendant Wisconsin Central Ltd., a Delaware corporation, d/b/a Canadian National Railway Company, a foreign corporation, was duly licensed and empowered to operate a system of railroads as a common carrier of freight for hire in and through the State of Minnesota and elsewhere, and within and through the state and county wherein this action is filed. The Defendant does business as "CN" and for all intents and purposes is run by Canadian National Railway Company.

III.

That at all times material herein, Defendant was an interstate carrier engaged in interstate transportation and commerce, that Plaintiff Brandon S. George was employed by Defendant as a conductor and as such was working and engaged in interstate commerce at the time of the incident hereinafter set forth, and was working in the furtherance of Defendant's interstate commerce and in work which directly, closely and substantially affected the general interstate commerce carried on by Defendant as a railroad common carrier of freight for hire.

IV.

At all times complained of herein, Defendant Wisconsin Central Ltd., d/b/a Canadian National Railway Company, owned property, maintained facilities, offices and had employees, agents or representatives, and conducted railroad operations and business in the State of Minnesota.

V.

That on or about March 23, 2020, Plaintiff was in the course and scope of his employment working as a conductor for Defendant on its premises in its Keenan yard at or near Forbes, Minnesota. Plaintiff was instructed and required to perform his duties on Defendant's premises, walkways and properties where Defendant knew that the ground conditions were unsafe and likely to result in injury to Plaintiff or others due to accumulated snow and ice. Plaintiff was injured when he walked on accumulated snow and ice in order to perform his work duties when suddenly, and without warning, he slipped on the hard packed, slippery and accumulated ice that was covered with snow, and fell. As a result, Plaintiff sustained severe, permanent and disabling injuries to his legs, thigh, quadriceps, lower legs, knees, ankle, foot, and was otherwise damaged.

VI.

At and before the time of the incident described above, Defendant and its officers, agents or employees were negligent and/or there was a defect or insufficiency in the safety of its premises, walkways, properties insofar as there was hard-packed, slippery and accumulated ice on the premises where Plaintiff was required to walk and work. Defendant was further negligent in failing to properly inspect, repair and maintain its premises, walkways and properties to keep them free of ice, snow, failure to maintain its drainage systems on its premises, properties, walkways, work areas and otherwise maintain its premises so that the same could be used with safety by its employees. Defendant was further negligent in failing and neglecting to adopt, install, implement and enforce reasonably safe methods and procedures for the construction, periodic inspection, maintenance, repair and upkeep of its walking areas, work areas and properties where its train and engine service employees were required to walk and work. Defendant was further negligent in carelessly allowing and permitting dangerous, hazardous, unsafe and prohibited conditions to exist on its walking areas, work areas and properties where its employees were required to walk and work. Defendant was further negligent in its failure to inspect and maintain its premises in a reasonably safe condition including failure to properly salt and sand its premises and failure to timely remove snow and allowing it to accumulate on its walks and roadways and become packed, slippery and ice-covered.

VII.

Defendant and its officers, agents or employees, including Canadian National Railway and Wisconsin Central Ltd., were on notice of the need to timely inspect and maintain the premises due to prior slip and fall injuries involving their employees, and that such injuries could result in severe and permanent injuries such that due to the risk of injury and severe nature of the harm, Defendant should have its sidewalks and walkways regularly and frequently inspected,

salted, sanded and otherwise maintained and lit so that the places where its employees would be expected and required to walk while performing their job duties would be safe and free of snow and ice covered and slippery conditions.

VIII.

As a result of such negligence, defects or insufficiencies in its premises, walkways, work areas, properties or procedures, Defendant breached the duty owed to its employee and conductor, Brandon S. George.

IX.

Upon information and belief, Defendant further breached the duty owed to Plaintiff Brandon S. George when Defendant, its officers, agents or employees, violated safety statutes and/or the Code of Federal Regulations governing railroad operations, and other statutes enacted for the safety of railroad employees and which violations are believed to have caused, in whole or in part, the March 23, 2020 incident which led to the injuries of Plaintiff Brandon S. George.

X.

That as a result, Plaintiff suffered severe, permanent and disabling injuries and damages, has suffered pain in the past and will suffer pain in the future; has incurred expenses for medical attention and hospitalization and will incur further like expenses in the future; has suffered loss of earnings and loss of future earning capacity; has suffered loss of his enjoyment of living, and has suffered permanent injury and disability, all to his injury and damage.

WHEREFORE, Plaintiff Brandon S. George prays judgment against the above-named Defendant, Wisconsin Central Ltd., a Delaware corporation, d/b/a Canadian National Railway Company, a foreign corporation, for recovery of reasonable damages in an amount sufficient to fully compensate Plaintiff for the losses and damages, together with his costs and disbursements and reasonable attorneys' fees herein.

PLAINTIFF DEMANDS TRIAL BY A JURY OF SIX.

Dated: December 8, 2021

HUNEGS, LeNEAVE & KVAS, P.A.

By: /s/Cortney S. LeNeave

Cortney S. LeNeave, MN ID 018424X

Thomas W. Fuller, MN ID 0394778

1000 Twelve Oaks Center Drive, Suite 101

Wayzata, Minnesota 5531

T: (612) 339-4511

cleneave@hklaw.com

tfuller@hklaw.com

ATTORNEYS FOR PLAINTIFF